

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

October 26, 2010

**Conditional Use Permit for a Scrap Yard Facility at 2241 E. 89<sup>th</sup> Street**

The hearing before the Board today is a request to appeal a Conditional Use Permit (CUP) to authorize the establishment of a scrap metal processing yard and collection of cardboard, newspaper and California Redemption Value (CRV) materials in the M-2 zone located at 2241 E. 89<sup>th</sup> Street in unincorporated Florence-Firestone. While the appellants have alleged environmental, operational and traffic concerns, the project as conditioned and modified as set forth by this motion should sufficiently address such concerns.

While the Department of Regional Planning (Department) has been directed to establish Standard Conditions to ensure improved and equitable regulation of scrap yard and recycling facilities, until that process is complete, the Department has provided recommendations in its report regarding CUP No. 200800163 dated October 19, 2010 on additional conditions that should be included in CUPs in the interim, which will promote a safe, coordinated and thorough enforcement strategy for these sensitive-use facilities.

**-MORE-**

MOTION

RIDLEY-THOMAS \_\_\_\_\_

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**October 26, 2010**  
**PAGE 2**

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

- Close the public hearing and find that the project as modified by this motion is Categorically Exempt from the California Environmental Quality Act; and
- Indicate the Board's intent to deny the appeal and modify the Regional Planning Commission's approval of the CUP as follows:
  - 1) Provide for thirteen inspections: the inspections will occur approximately biannually for the first three years of the term, and annually for the last seven years of the term;
  - 2) Require that vehicles be instructed to stop in designated waiting areas only;
  - 3) Provide the Director of the Department of Regional Planning with authority to direct the permittee to hold a community meeting, should issues related to the operation of the facility be brought to the attention of the Director; and
  - 4) Find that any violation of any regulation or permit by any state or federal agency governing the permittee's use of the site, including, but not limited to, OSHA, EPA and the California Department of Toxic Substances, shall be a violation of this CUP and shall constitute grounds for issuance of a notice of violation of the CUP; and
- Direct County Counsel to prepare the final findings and conditions of this CUP to bring back to a future Board of Supervisors meeting for the Board's consideration.

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